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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/089,833	07/17/2002	Peter Schramm	10191/2374	5291
26646	7590 06/02/2004		EXAMI	NER
KENYON & KENYON			BUI, THACH H	
ONE BROADWAY NEW YORK, NY 10004			ART UNIT	PAPER NUMBER
			3752	11
			DATE MAILED: 06/02/2004	· Y

Please find below and/or attached an Office communication concerning this application or proceeding.

		100					
•	Application No.	Applicant(s)					
	10/089,833	SCHRAMM ET AL.					
Office Action Summary	Examiner	Art Unit					
	Thach H Bui	3752					
The MAILING DATE of this communication app	pears on the cover sheet wit	h the correspondence address					
Period for Reply	VIO OET TO EVOIDE AN	ONTHO FROM					
A SHORTENED STATUTORY PERIOD FOR REPL' THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.1 after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a reply - If NO period for reply is specified above, the maximum statutory period of Failure to reply within the set or extended period for reply will, by statute Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	36(a). In no event, however, may a re y within the statutory minimum of thirty will apply and will expire SIX (6) MONT , cause the application to become ABA	oply be timely filed  (30) days will be considered timely.  FHS from the mailing date of this communication.  ANDONED (35 U.S.C. § 133).					
Status							
1) Responsive to communication(s) filed on	Responsive to communication(s) filed on						
2a)⊠ This action is <b>FINAL</b> . 2b)□ This	This action is <b>FINAL</b> . 2b) ☐ This action is non-final.						
3) Since this application is in condition for alloward	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is						
closed in accordance with the practice under E	Ex parte Quayle, 1935 C.D.	. 11, 453 O.G. 213.					
Disposition of Claims							
4) ☐ Claim(s) <u>1-12</u> is/are pending in the application.							
4a) Of the above claim(s) <u>1-6</u> is/are withdrawn from consideration.							
5) Claim(s) is/are allowed.	5) Claim(s) is/are allowed.						
6)⊠ Claim(s) <u>7-12</u> is/are rejected.	☑ Claim(s) <u>7-12</u> is/are rejected.						
7) Claim(s) is/are objected to.							
8) Claim(s) are subject to restriction and/o	r election requirement.						
Application Papers							
9) The specification is objected to by the Examiner.							
10)☐ The drawing(s) filed on is/are: a)☐ accepted or b)☐ objected to by the Examiner.							
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).							
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).							
11) The oath or declaration is objected to by the Ex	caminer. Note the attached	Office Action or form PTO-152.					
Priority under 35 U.S.C. § 119							
<ul> <li>12) Acknowledgment is made of a claim for foreign</li> <li>a) All b) Some * c) None of:</li> <li>1. Certified copies of the priority document</li> <li>2. Certified copies of the priority document</li> </ul>	s have been received.						
3. Copies of the certified copies of the prio	·	·					
application from the International Bureau	u (PCT Rule 17.2(a)).						
* See the attached detailed Office action for a list	of the certified copies not i	received.					
<b>A</b> w 1 - w 2							
Attachment(s)  1) Notice of References Cited (PTO-892)  4) Interview Summary (PTO-413)							
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) Paper No(s)/Mail Date.							
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  Paper No(s)/Mail Date  5) Notice of Informal Patent Application (PTO-152)  6) Other:							

Application/Control Number: 10/089,833

Art Unit: 3752

#### DETAILED ACTION

1. The amendment filed February 23, 2004 has been received and entered.

#### Information Disclosure Statement

2. Applicant's prior art citation filed February 23, 2004 has been received, considered and placed of record.

## Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 3. Claims 7-12 rejected under 35 U.S.C. 103(a) as being unpatentable over Kluegl (U.S. Patent No. 6,561,435).

Kluegl teaches a fuel injector comprising a nozzle body (see Fig. 1) and at least one retaining flange (5) situated on the nozzle body and projecting radially. The flange has a working surface for a hold-down device and a seating surface for positioning on a cylinder head of the engine (col. 3, lines 09-22). The retaining flange includes a cylindrical retaining flange (see Fig. 1) and is joined to the nozzle body in one of an integral (i.e. welding, molding and etc.) and a friction-locking manner (see Fig.1). Further, the retaining flanges cover an angular range of about 45 degrees in a peripheral direction. Kluegl teaches a retaining flange (as mentioned above), but Kluegl

Art Unit: 3752

does not mention specifically the retaining flange extending over only a portion of a perimeter of the fuel injector. It would have been obvious to one skilled artisan in the art to modify the teachings of Kluegl to have at least one retaining flange extending over only a portion of a perimeter of the fuel injector so that the entire injector is pressed axially downward into a corresponding receiving bore in the cylinder head of the internal combustion engine, and having at least one retaining flange extending over only a portion of a perimeter of the fuel injector to reduce the manufacturing cost of the fuel injector.

## Response to Arguments

4. Applicant's arguments filed February 23, 2004 have been fully considered but they are not persuasive. Applicant's arguments have been addressed in the above paragraphs.

### Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

Application/Control Number: 10/089,833

Art Unit: 3752

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Page 4

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thach H Bui whose telephone number is 703-305-0063. The examiner can normally be reached on Monday-Friday, 7:30-4 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Mar can be reached on 703-308-2087. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

T.B. 05/26/2004 David A. Scherbel
Supervisory Patent Examiner
Group 3700